
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Utica City School District)	File No. SLD-328277
Utica, New York)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: October 31, 2003

Released: November 3, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Utica City School District (Utica), Utica, New York, requesting review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For the reasons set forth below, we deny the Request for Review.

2. SLD rejected Utica's FCC Form 471 for failing to meet Minimum Processing Standards, because items 13 and 14 of Block 5 were blank.² Utica argues that SLD should be reversed because a SLD representative told Utica that, as long as Utica attached copies of its invoices, SLD would be able to readily identify the relevant vendors for its application.³

3. Consistent with our precedent in the *Merrimack Valley Order*, we conclude that SLD's decision is supported by precedent and the underlying record.⁴ In addition, we note that

¹ Letter from William J. Thomas, Utica City School District, to Federal Communications Commission, filed August 14, 2002 (Request for Review).

² See Letter from Schools and Libraries Division, Universal Service Administrative Company, to William J. Thomas, Utica City School District, dated February 26, 2002 (Rejection Letter) and Letter from Schools and Libraries Division, Universal Service Administrative Company, to Daniel G. Lowengard, Utica City School District, dated June 24, 2002 (Administrator's Decision on Appeal). See also SLD website, Form 471 Minimum Processing Standards (Funding Year 5), <<http://www.sl.universalservice.org/reference/471mps.asp>>.

³ Request for Review.

⁴ *Request for Review by Merrimack Valley Library Consortium, Federal State-Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-264801, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 9380 (*Merrimack Valley Order*).

precedent is clear that even where a party has received erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when relief is contrary to a rule.⁵ Therefore, we affirm SLD and deny the Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Utica City School District, Utica, New York on August 14, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ *In re Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705, 4707-08, para. 22 (1991) (citing *Office of Personnel Management v. Richmond*, 497 U.S. 1046 (1990)). See also *Request for Waiver by Ballard Community School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-2689111, SLD-268909, SLD-266579, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 15891 (Com. Car. Bur. 2001).